

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CLARENCE JARRETT,

Plaintiff,

No. 14-10410

v.

District Judge Stephen J. Murphy
Magistrate Judge R. Steven Whalen

MICHIGAN DEPT. OF CORRECTIONS,
ET AL.,

Defendants.

/

ORDER STRIKING AMENDED COMPLAINT

Plaintiff Clarence Jarrett filed his original complaint in this Court on January 27, 2014 [Doc. #1]. He filed an amended complaint, without seeking leave of the Court, on June 5, 2014 [Doc. #46].

Fed.R.Civ.P. 15(a) provides as follows:

(a) Amendments Before Trial.

(1) Amending as a Matter of Course. A party may amend its pleading once as a matter of course within:

(A) 21 days after serving it, or

(B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.

“In other circumstances, parties can only amend with written permission of the opposing party or with leave from the court.” *Gonzalez Production Systems, Inc. v. Martinrea Intern. Inc.*, 2014 WL 3870596, *2 (E.D.Mich. 2014); Fed.R.Civ.P. 15(a)(2).

The various Defendants were served between March 13, 2014 [Doc. #15] and April 8, 2014 [Doc. #33]. Mr. Jarrett did not amend his complaint within 21 days of serving it, so Rule 15(a)(1)(A) does not apply.

A motion to dismiss under Fed.R.Civ.P. 12(b)(6) was filed on April 7, 2014 [Doc. #29]. Mr. Jarrett filed his amended complaint on June 5, 2014, significantly past the 21-day deadline of Rule 15(a)(1)(B).

Therefore, Mr. Jarrett is required under Rule 15(a)(2) to obtain leave of the Court in order to file an amended complaint. Because he has not done so, his amended complaint [Doc. #46] is STRICKEN.

IT IS SO ORDERED.

s/R. Steven Whalen

R. STEVEN WHALEN

UNITED STATES MAGISTRATE JUDGE

Dated: October 16, 2014

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on October 16, 2014, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla

Case Manager to the Hon. R. Steven Whalen